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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/670,338

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EXAMINER

MORRISON, THOMAS A

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/670,338	Applicant(s) YAMADA ET AL.	
	Examiner Thomas A. Morrison	Art Unit 3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 9 and 19 is/are rejected.
- 7) ☒ Claim(s) 3-8 and 10-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The indicated allowability of claims 1-2 is withdrawn in view of the newly discovered reference(s) to U.S. Patent No. 6,089,562 (Jang et al.) and U.S. Patent No. 4,905,046 (Tsuno et al.). Rejections based on the newly cited reference(s) follow. The examiner regrets any inconvenience that may have been caused by this new Office Action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,089,562 (Jang et al.).

Regarding claim 1, Figs. 5-8 show a paper feeding apparatus, comprising:

a paper feed device (Fig. 5) comprising:

a paper loading board (11) to load paper obliquely;

an abutting surface (inside surface of element 71 located above reference numeral 74) arranged in a lower part of the paper loading board (11), the abutting surface (inside surface of element 71 located above reference numeral 74) abuts a bottom end of paper loaded on the paper loading board (11);

a feed roller (20) abuts a surface of the paper to feed the paper to a predetermined direction sheet by sheet; and

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a manual feed tray (including 60 and 62) openably/closably attached to the paper loading board (11);

a stopper (11a) located at a lower position (Fig. 8) when the paper is fed from the manual feed tray (including 60 and 62), the stopper (11a) arranged to move vertically (Fig. 7) with respect to the abutting surface (inside surface of element 71 located above reference numeral 74) to lift up the bottom end of the paper when positioned higher than the abutting surface (inside surface of element 71 located above reference numeral 74); and

a stopper drive device (including 40) lowers the stopper (11a) below the abutting surface (inside surface of element 71 located above reference numeral 74) when the manual feed tray (including 60 and 62) is opened for paper insertion.

Alternatively, it is noted that in the recitation "a stopper **located at a lower position when the paper is fed from the manual feed tray**", the bolded portion of this recitation is a conditional limitation that need not ever occur. Similarly, in the recitation "the stopper arranged to move vertically with respect to the abutting surface **to lift up the bottom end of the paper when positioned higher than the abutting surface**", the bolded portion of this recitation is a conditional limitation that need not ever occur. In addition, in the recitation "a stopper drive device **lowers the stopper below the abutting surface when the manual feed tray is opened for paper insertion**", the bolded portion of this recitation is a conditional limitation that need not ever occur. Thus, these bolded portions need not be given patentable weight, since they need not ever occur. In either case, the limitations of claim 1 are met.

Regarding claim 2, Figs. 5-8 show that the stopper drive device (including 40) comprises a linking mechanism (shaft of element 20 and element 41) arranged between the manual feed tray (including 60 and 62) and the stopper (11a) to lower the stopper (11a) when the manual feed tray (including 60 and 62) is opened for paper insertion.

Regarding claim 19, Figs. 5-8 show that the stopper (11a) raises and lowers each time the paper is fed from the paper loading board (11).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,089,562 (Jang et al.) in view of U.S. Patent No. 4,905,046 Tsunoi et al.)

Regarding claim 9, Figs. 5-8 of Jang et al. show an image formation apparatus (Abstract of Jang et al.), comprising:

a paper feeding apparatus including

a paper feed device (Fig. 5) comprising:

a paper loading board (11) to load paper obliquely;

an abutting surface (inside surface of element 71 located above reference numeral 74) arranged in a lower part of the paper loading board (11), the abutting

surface (inside surface of element 71 located above reference numeral 74) abuts a bottom end of paper loaded on the paper loading board (11);
a feed roller (20) abuts a surface of the paper to feed the paper to a predetermined direction sheet by sheet; and

a manual feed tray (including 60 and 62) openably/closably attached to the paper loading board (11);

a stopper (11a) located at a lower position (Fig. 8) when the paper is fed from the manual feed tray (including 60 and 62), the stopper (11a) arranged to move vertically (Fig. 7) with respect to the abutting surface (inside surface of element 71 located above reference numeral 74) to lift up the bottom end of the paper when positioned higher than the abutting surface (inside surface of element 71 located above reference numeral 74); and

a stopper drive device (including 40) lowers the stopper (11a) below the abutting surface (inside surface of element 71 located above reference numeral 74) when the manual feed tray (including 60 and 62) is opened for paper insertion;

an image formation device (Abstract) which forms an image on the paper;

a paper transfer device (including 30) transfers paper fed from the paper feeding apparatus to the image formation device.

Also, Jang et al. discloses a feed control device (i.e., whatever controls the driving of the paper feeding apparatus of Figs. 5-8 of Jang et al.) drives the paper feeding apparatus to feed the paper on the paper loading board (11) to the paper transfer device (including 30) when a command to select an automatic paper feed is

externally input to select a paper feed from the paper loading board, subsequently drives the paper transfer device (including 30) to transfer the paper fed from the paper feeding apparatus to the image formation device when the paper detection device detects the presence of paper, and drives the paper transfer device (including 30) to transfer paper inserted from the manual feed tray (including 60 and 62) to the image formation device (Abstract). More specifically, it is the examiner's position that the feed control device (i.e., whatever controls the driving of the paper feeding apparatus of Figs. 5-8 of Jang et al.) drives the paper transfer device (including 30) to transfer paper inserted from the manual feed tray (including 60 and 62) to the image formation device (Abstract). See e.g., column 6, lines 31-36. With regard to the recitation "a feed control device **drives the paper feeding apparatus to feed the paper on the paper loading board to the paper transfer device when a command to select an automatic paper feed is externally input to select a paper feed from the paper loading board**", the bolded portion of this recitation is a conditional limitation that need not ever occur. Similarly, with regard to the recitation "subsequently **drives the paper transfer device to transfer the paper fed from the paper feeding apparatus to the image formation device when the paper detection device detects the presence of paper**", the bolded portion of this recitation is a conditional limitation that need not ever occur. Thus, these bolded portions need not be given patentable weight since they need not ever occur. The Jang et al. patent meets the limitations of claim 9, except that it does not specifically disclose a paper detection device, as claimed.

The Tsunoi et al. patent discloses that it is well known to provide an image formation apparatus (Fig. 2) with a paper detection device (28) arranged in a paper transfer device (including 22 and unnumbered guides on both sides of element 22) for the purpose of detecting an abnormality (e.g., a jam) in a recording paper transport operation. See e.g., Figs. 4-5 and column 4, lines 4-43 of Tsunoi et al. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the paper transfer device (including 30) of the Jang et al. apparatus with a sensor for the purpose of detecting a jam in a recording paper transport operation, as taught by Tsunoi et al. Thus, all of the limitations of claim 9 are met.

Allowable Subject Matter

4. Claims 3-8 and 10-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

06/10/2007


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